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Amy Pelletier

/Amy Pelletier/

5/20/2011

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Signature

Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	: Patel	Confirmation No.:	2233
Serial No.	: 10/777,019	Art Unit	: 3733
Filed	: 2/11/2004	Examiner	: Comstock, David
Patent No.	: 7,909,848	Issued	: 3/22/2011
Title	: Tissue Retractor & Guide Device		

Mail Stop Patent Ext.  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
 UNDER 37 C.F.R. 1.705(d) AFTER PATENT ISSUANCE**

Dear Sir:

Responsive to the Determination of Patent Term Adjustment indicated on the front page of US Patent 7,909,849 (issued 3/22/2011), the Patentee submits this Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. 1.705(d). As stated in 37 C.F.R. 1.705(d):

any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued...

This request is being submitted within two months of the issuance of the US Patent 7,909,849, and, thus, Patentee considers this request to be timely.

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**1. Payment of fee under §1.18(e) or §1.18(f)**

Patentee hereby requests the fee for this petition be waived due to the nature of the error, as described below. However, if the USPTO disagrees, Patentee authorizes the

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USPTO to charge the fee set forth in §1.18(e) or §1.18(f) or and any other fees that may be due to Deposit Account 10-0750.

## **2. Statement of Facts**

Patentee disagrees with the Patent Term Adjustment set forth on the first page of the granted patent and as listed in PAIR. On 12/14/2010, Patentee filed a Patent Term Adjustment disclosure letter advising the USPTO that the USPTO granted 57 days of patent term that the Patentee is not entitled to. Patentee considers the filing of the disclosure letter not to be a basis for patent term reduction as the disclosure letter was timely filed prior to the issue fee payment. Based on this filing of the disclosure letter, the patent term was erroneously reduced by 99 days pursuant to 37 CFR 1.704 (c)(10)(ii). Patentee considers this reduction to be an error and that patentee is entitled to the restoration of 99 days of patent term. Patentee considers the correct patent term for this patent to be 1262 days. Patentee requests the restoration of 99 days of patent term to correct this error.

## **Other Circumstances**

Applicants confirm that, (1) this application is not subject to a Terminal Disclaimer; and (2) except for the delay periods set forth above and noted in the PAIR calculation, there were no other circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.

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**Conclusion**

For the reasons set forth above, Applicants request that the patent term adjustment for the present patent application be corrected to 1262 days.

Respectfully submitted,

By: /David A. Lane, Jr./  
David A. Lane, Jr. (Reg. No. 39,261)

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(508) 880-8401  
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